

1 The Westfield-Washington Advisory Plan Commission held a meeting on
2 Tuesday, February 16, 2010 scheduled for 7:00 PM at the Westfield City
3 Hall.

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5 **Opening of Meeting: 7:13 PM**

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7 **Roll Call:** Note Presence of a Quorum

8
9 **Commission Members Present:** Cindy Spoljaric; Robert Spraetz, Robert Horkay,
10 William Sanders, and Steve Hoover.

11
12 **City Staff Present:** Kevin Todd, Senior Planner; Jennifer Miller, Senior Planner; and
13 Brian Zaiger, City Attorney

14
15 **Approval of the Minutes:**

16
17 Motion: To approve the January 19, 2010 Public Hearing Meeting Minutes as presented.

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19 Motion by: Hoover; Second by Horkay; Vote: Passed by voice vote

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21
22 Todd reviewed the Public Hearing Rules and Procedures.

23
24 Spoljaric requested the following change to the agenda; New Business items first and Old
25 Business items following.

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27
28 **NEW BUSINESS**

29
30 Case No. 0910-DP-09 & 0910-SIT-07
31 Petitioner Ramsey Development Corporation of Indiana
32 Description 14751 Carey Road; petitioner requests Development Plan Review for a
33 proposed 63,000 square-foot skilled health care/nursing home facility on
34 approximately 9 acres in the Bridgewater PUD.

35
36 Todd presented the details of the petition and reviewed petition history stating since the
37 APC workshop, the pending Bridgewater PUD amendment before the Council on
38 February 8, 2010 was approved. He also stated that there were a few outstanding items
39 with the site plan, of which all have been addressed except for lighting, specifically light
40 fixtures. Todd stated that he received today revised lighting fixture information and it
41 they will be thoroughly reviewed tomorrow. He further stated staff is requesting lighting
42 be delegated to staff for approval. He stated that staff recommends approval of the
43 petition with the condition noted in the staff report.

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45 A Public Hearing opened at 7:20 p.m.

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3 No one spoke, and the Public Hearing closed at 7:21 p.m.
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5 Motion: To approve 0910-DP-09 and 0910-SIT-07 with the following conditions:
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- 7 1. Delegate approval of the Lighting Plan to the Westfield Community Development
8 Department Staff.
9
10 2. That all necessary approvals and permits be obtained from the Westfield Public
11 Works Department and the Hamilton County Surveyor's Office prior to the
12 issuance of a building permit.
13

14
15 Motion by: Hoover Second by: Horkay; Vote: 5-0
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17

18 **OLD BUSINESS**
19

20 Case No. Ordinance 10-02
21 Petitioner City of Westfield
22 Description The Westfield City Council amends the Westfield-Washington Zoning
23 Ordinance to include standards for Temporary Uses and Events (WC
24 16.04.095) and new Definitions (WC 16.04.210).
25

26 Miller reviewed the amendments made to the ordinance. She stated that the Council
27 amended the ordinance because they believed the ordinance did not contemplate City-
28 sponsored events which frequently closed streets, involved many properties and have
29 heavy involvement from City Staff.
30

31 Hoover believes that it was never the Council's intent to include tents set up at City
32 sponsored events, i.e. the Farmers Market and NUMA. Therefore, the Council believed
33 the best way to remedy this is to exempt City sponsored events and in order for an event
34 to attain City sponsorship, the organization would come before the Council for approval.
35

36 Miller added that it is typical for these types of events to self advertise at City Council
37 meetings, and that asking them to come before the City Council to receive City
38 sponsorship is formalizing what they are already doing.
39

40 Horkay reiterated that the Council had a lengthy debate on this topic and is in favor of the
41 revisions as presented.
42

43 Sanders expressed concern that the Council is now inadvertently involved politically with
44 local events. He was concerned about the political ramifications of the City choosing to
45 sponsor or not sponsor certain events.

1
2 Hoover stated that this ordinance does not prevent anybody from having an event, even if
3 the City does not sponsor it.

4
5 Zaiger stated that the political consequences of the Council's decision to sponsor an event
6 or not are not the concern of the APC.

7
8 Spraetz questioned if they were questioning the decisions of the Council.

9
10 Spoljaric responded that they were wondering about unintended consequences.

11
12 Horkay stated that the Council likes the idea of being able to work with the organizers of
13 events in which the Council does not want that event to be negatively impacted by this
14 ordinance.

15
16 Sanders asked what about Township-sponsored events.

17
18 Zaiger responded that such event would still be subject to the Zoning Ordinance.

19
20 After discussion, Miller suggested adding an item in Section B, Exemptions, that states
21 "Township sponsored events, as approved by the Township Board of Advisors."

22
23 Hoover stated that he is not comfortable with this amendment because he believes it
24 allows the Township to make decisions that would bypass the City's Zoning Ordinance.

25
26 Horkay agreed with Hoover. He also asked if this amendment affected the timeframe of
27 the approval process of the ordinance.

28
29 Miller responded that, if approved by the APC, then the Council could vote at their next
30 meeting to approve this amendment. Then the ordinance would be effective two weeks
31 after publication.

32
33 Zaiger further explained the statutory process of approving amended ordinances, such as
34 this.

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36 Motion: To approve Ordinance 10-02 with the following amendment:

- 37
38 • To add a third item to "Section B, Exemptions" that states, "Township sponsored
39 events, as approved by the Township Board of Advisors."

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41 Motion by: Sanders; Second by: Spoljaric; Vote: 3-2 (Hoover, Horkay) Motion Fails.

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43 Motion: To approve Ordinance 10-02 as presented from the Westfield City Council.

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45 Motion by: Horkay; Second by: Spraetz; Vote: 4-1 (Sanders) Motion Fails.

Ordinance 10-02 was tabled to the March 1, 2010 APC meeting.

CITY COUNCIL LIAISON COMMENTS

Hoover stated the Council is beginning to work on some type of golf cart ordinance.

Horkay stated that there will be an amendment to the Bridgewater PUD, Parcel J coming forward soon.

STAFF COMMENTS

Todd discussed Lantern Commons Commitments.

APC MEMBER COMMENTS

Spoljaric asked staff to revisit the definition of Open Space.

ADJOURNMENT (8:01)

Approved (date)

President, Robert Smith, Esq.

Vice President, Cindy Spoljaric

Secretary, Matthew S. Skelton, Esq., AICP